

# Case scenario business law assignment

[Business](#), [Management](#)



Advise Bugles on all e-commerce issues that could possibly affect them. Be detailed in your response. When dealing with business in the United States, copyright, US patent and trademark laws can help Bugs in selling products through the internet. When dealing with overseas businesses, Bugs may turn to the Tariff Act of 1930, the Lanham Act, and patent statute, and the Copyright Act (Mallory et al. , 2004). If goods are counterfeited, Bugles can use the Trademark Counterfeiting Act of 1984 to pursue both civil and criminal actions against the perpetrators.

This act allows the company to recover here times the actual damages caused by such acts. When using the domain name, Bugles should become a member of the Internet Corporation for Assigned Names and Numbers, This registration would aid in any disputes that might arise. Also, members of the corporation agree to be bound by arbitration would is usually a faster way to resolve disputes than using the Courts. Therefore, Bugles should use all protections afforded to the company. Becoming a member of different organizations will aid in protections for the company. E. Shady Town, U.

S. A. Has been plagued with a recent crime wave. The Bugs plant n Shady Town has experienced vandalized vehicles in its parking lot and some second shift employees have been robbed as they walked to their cars at night. Bugs receives shipments of parts and other items from vendors at its receiving/ shipping dock located at the rear of each plant. The parking lot and dock areas are well lit; however, some lights are now out. While waiting for the dock manager to return from lunch, a vendor was attacked and robbed of his wallet and electronic chips he was delivering.

Discuss what, if any, tort liability Bugs may have to the vendor and to the Bugles employees that were attacked. What defenses may be available to Bugs? Explain your answers. Both the employees and vendor are considered invitees. An invitee is someone who is on the premises to conduct business, directly or indirectly. As such, the possessor or owner of the premises owes a duty to protect both the employees and vendor from harm arising out of a condition on the premises. Two criteria exist: I . The risk from the harm is unreasonable; and.

The owner of the property knew about the risk. Risen. Bugles knew that crime had reached the premises of Bugles because employees had already been robbed. Furthermore, Bugs was responsible for replacing the lights in the parking lot and had not done so. Defenses available to Bugles would be that no vendor had been robbed before this time. Bugs could also say that one step taken to aid in the security of the area was that it was well lit. F. The attorneys for Bugles have completed their investigation of WARTIME and its employee, Steve.

If they want to bring a successful action against WARTIME for civil RICE, what do they need to prove? What type(s) of damages could Bugles receive? To qualify for civil RICE action, Bugles will face two challenges. The first is demonstrating that WARTIME is guilty of two or more violations of RICE anti-racketeering provisions within the previous 10 years - without “ predicate’ criminal offenses that constitute the necessary pattern of racketeering activity (Mallory et al. , 2004, p. 157),” long-term racketeering activity will be improvable.

Further, the company must show that it was damaged by the activities it alleges to be RICE violations; given the Supreme Court decisions that individuals are inherently separate from business entities (Mallory et al. , 2004), it is likely that it would not face fisticuff in establishing that a “ person” committed the offense. Should Bugles present a successful action against WARTIME, it could receive triple the amount of damages claimed; WARTIME could also see its assets frozen and the individuals involved would face “ substantial fines and imprisonment for up to 20 years (Mallory et al. 2004, p. 1 Sally Dogwood, a police officer in Shady Town, was sitting in a police van monitoring wiretaps placed in the Crime Boss hideout. The equipment she was using, which was an older model purchased from Bugles, short- circuited and injured Sally. An insulator that could have prevented the possibility of horst was not included in the original design because of its effect on production costs. The newer models, not yet purchased by the Shady Town Police, have the insulator installed. Sally may have a successful case against Bugs for what tort(s)?

Explain your answer(s). Sally may have a successful against Bugles for negligence. In order to prove negligence a plaintiff must show “ that the defendant owed a duty of care to the plaintiff; that the defendant committed a breach of this duty; and that this breach was the actual and proximate cause of injury experienced by the plaintiff (Mallory et al. , 2004, p. 202). When the police purchased the equipment from Bugles they did so with a reasonable expectation that the equipment was safe to use.

Bugles committed a breach of this duty when they decided to not install the insulator in the equipment even though Bugs knew there was a possibility of shorts without the use of the insulator. When the equipment short-circuited and injured Sally, Bugles became liable for personal injury to Sally. Because Bugles knew the insulator was needed on the equipment used by Sally, when Sally became injured, she would have reckless disregard for the safety of those likely to be affected by the goods (Mallory et al., 2004, p. 06)” when they decided to save money and not install the insulator. Strict liability would apply in this case because the company, as a whole, knowingly sold a defective product. A defective product is defined as one with a defect in the design that would have a foreseeable risk of harm. In this case this happened because of the decision to not install the insulator. Referentially, J. P., Barnes, A. J., Bowers, T., & Landwards, A. W. (2004). Business law: The ethical, global, and e-commerce environment. (13th edition). The McGraw Hill Companies.